

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHOENIX LIGHT SF LIMITED, in its own right and the right of BLUE HERON FUNDING V LTD., BLUE HERON FUNDING VI LTD., BLUE HERON FUNDING VII LTD., BLUE HERON FUNDING IX LTD., KLEROS PREFERRED FUNDING V PLC, SILVER ELMS CDO PLC, SILVER ELMS CDO II LIMITED, C-BASS CBO XVII LTD. and C-BASS CBO XIV LTD., and each of BLUE HERON FUNDING V LTD., BLUE HERON FUNDING VI LTD., BLUE HERON FUNDING VII LTD., BLUE HERON FUNDING IX LTD., KLEROS PREFERRED FUNDING V PLC, SILVER ELMS CDO PLC and SILVER ELMS CDO II LIMITED, in their own right,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON, as Trustee,  
Defendant.

Case No. 14-cv-10104-VEC

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Matthew D. Ingber, executed on February 27, 2015, with exhibits, Defendant The Bank of New York Mellon will move this Court before the Honorable Valerie E. Caproni, at the courthouse located at 40 Foley Square, New York, New York, Courtroom 443, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Scheduling Order dated January 14, 2015, Plaintiffs shall respond to BNYM's motion to dismiss, if any, no later than April 3, 2015. Reply papers, if any, shall be filed no later than April 24, 2015.

Dated: February 27, 2015  
New York, New York

MAYER BROWN LLP

By: /s/ Matthew D. Ingber  
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